

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

DUTCHESS COUNTY  
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2016 OCT -3 PM 3:19

MICHAEL WOLFE pro se,

Plaintiff

**VERIFIED COMPLAINT**

vs.

Index No.:

~~WALMART~~ MART STORES INC.

**2016 2149**

Defendant

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The complaint of plaintiff Michael Wolfe, respectfully shows and alleges as follows:

1. Plaintiff herein, Michael Wolfe is a resident of the County of Dutchess, State of New York and resides at 200 Mountain Lane, Beacon, NY 12508.
2. Defendant Walmart Stores Inc. is now, and at all times mentioned in this complaint is a corporation organized and existing under the laws of the state of Arkansas with Corporate headquarters at 702 SW 8<sup>th</sup> Street, Bentonville, Arkansas, with a retail store place of business at 26 West Merritt Boulevard in the Town of Fishkill, County of Dutchess, New York, where the footwear of this complaint was purchased.
3. Defendant Walmart is a corporation that sells at retail to members of the public personal products including footwear.
4. On November 18, 2013, plaintiff purchased from defendant Walmart a pair of Starter sneakers sold by defendant.
5. On December 5<sup>th</sup> 2013, in the Town of Fishkill, Dutchess Co., New York Plaintiff wore the sneakers which defendant sold to him causing him serious physical and economic harm.

6. On December 5<sup>th</sup> 2013 had to seek and be medically treated for injuries and pain caused by the sneakers that Walmart sold him. Plaintiff had to be continually treated by several doctors for years and still continuing.
7. Plaintiff's injuries were so serious that a one point was sent to Vassar hospital to the emergency room for immediate antibiotic intravenous treatment.
8. Defendant Walmart so negligently and carelessly had this footwear designed, manufactured, supervised, maintained and finally sold that it was dangerous and unsafe for its intended use.
9. As a direct and proximate result of the negligence and carelessness of defendants as described above, plaintiff sustained the following serious injuries and damages: plaintiff's feet were severely injured and abraded, and damages include lost income, added rental expenses, expenses relating to the injuries, pain and suffering, permanent disability, and medical expenses.
10. By reason of the foregoing plaintiff's serious injuries by the Walmart sneakers, prevented him from moving into a section of his new house early in 2014 causing plaintiff additional rental expenses of more than 18 months or \$23,400.
11. By reason of the foregoing plaintiff's serious injuries plaintiff has been caused a loss of income of more than \$20,000 per year for 3 years = \$60,000 and continuing.
12. By reason of the foregoing plaintiff's serious injuries plaintiff has suffered damages to another person's property of \$500.
13. By reason of the foregoing plaintiff's serious injuries plaintiff has suffered medical costs of more than \$500 in medical and doctor's co pays and continuing as well as  $\frac{1}{2}$  of medicare medical payments of some \$100 per month.

DWB

14. By reason of the foregoing plaintiff's serious injuries plaintiff has suffered a loss of physical ability as well as functioning daily duration, which defendant seeks at least \$20,000 per year.

15. By reason of the foregoing plaintiff's serious injuries plaintiff has suffered constant and considerable pain and suffering, which pain and suffering are continuing and most likely into the future. Plaintiff therefore asks \$100,000 for the first year of suffering and \$30,000 per year following.

WHEREFORE, plaintiff, Michael Wolfe, demands judgment against the defendant as follows:

(a) on this cause of action, in a sum of money that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

(b) a judgment against defendant in the sum of \$304,400 plus interest from December 5<sup>th</sup>, 2013, together with a judgment for future costs and pain, costs and disbursements, and any other relief the Court finds to be just and proper.

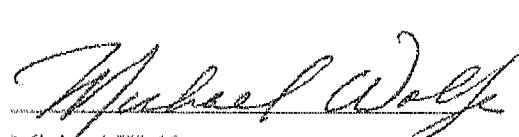
(c) that if it is found that Walmart had knowingly sold the defective sneakers, or repeatedly sold defective footwear from the same group of factories that Walmart be liable and plaintiff awarded treble damages.

Dated: 10/3/2016

Served to me this 3 day of Oct. 2016



CLAIRES M. BAN  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS  
LIC. #01BA6335S68  
COMM. EXP 01/11/2020



Michael Wolfe, pro se

Plaintiff,

200 Mountain Lane

Beacon, NY 12508

845 440 7557

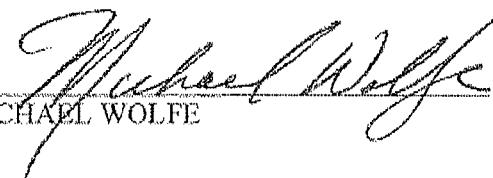
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STATE OF NEW YORK )  
 ) ss;  
COUNTY OF DUTCHESS )

Michael Wolfe, being duly sworn, depose and says that he is the plaintiff in this action and the foregoing complaint, is true to his own knowledge, except as to those matters stated therein to be alleged on information and belief, and as to those matters, he believes them to be true.

  
MICHAEL WOLFE

Sworn to before me the 3rd day of Oct 2016

  
NOTARY PUBLIC

CLAIRE M. BAN  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS  
LIC. #01BA6336968  
COMM. EXP. 01/11/2020